

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant : R. Donovan, et al.
Serial No. : 10/774,335
Filed : February 6, 2004
Title : Band Saw

Art Unit : 3724
Examiner : S. Choi

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**APPEAL BRIEF
BRIEF ON BEHALF OF APPELLANTS**

This Reply is in response to the Notification of Non-Compliant Appeal Brief mailed on December 24, 2009, for which the one month shortened statutory period for reply expires on January 24, 2010. Applicants hereby petition for a one month extension of time to reset the period for reply to February 24, 2010. The Commissioner is hereby authorized to charge any fees which may be required, any deficiencies that may arise, and to credit any overpayment which may be owed to Applicant in connection with this action and application in general to Deposit Account No. 02-2548.

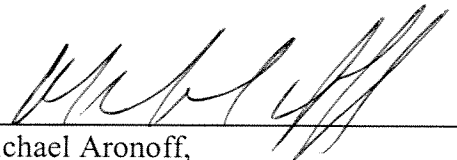
In response to the Notification, Applicants herein submit a new Section III and Section VIII, which are to be substituted for Sections III and VIII submitted with the Appeal Brief filed on July 22, 2009. It is Applicants' belief that this new Section V satisfies all of the requirements 35 USC and 37 CFR.

Applicants note that, as required by the Notification of Non-Compliant Appeal Brief mailed December 24, 2009, the new Section VIII now only includes claims 1 – 5, 11 – 16, 22, 25 – 30, 36 and 39, which are the subject of this appeal.

Early approval of the Applicants' appeal is requested.

Respectfully submitted,

Dated: 1/26/10

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III. Status Of The Claims

Claims 1 – 39 and 43 - 45 are pending in the present application. Claim 23, 24, 37, 38 and 43 – 45 have been withdrawn from consideration. Claims 1 – 5, 11 – 16, 22, 25 – 30, 36 and 39 stand rejected and Claims 6 – 10, 17 – 21 and 31 – 35 stand objected to, as indicated in the Office Action mailed on January 6, 2009, the Advisory Action mailed on March 11, 2009 and the Notice of Panel Decision from Pre-Appeal Brief Review mailed on June 22, 2009. Claims 1 – 5, 11 – 16, 22, 25 – 30, 36 and 39 are the subject of this appeal.

VIII. Claims Appendix

1. (Previously Amended) A tensioning mechanism, comprising:
 - a tension spring assembly for applying a tensioning force;
 - a cam assembly, the cam assembly applying a force to the tension spring assembly;
 - a cover assembly adjustably coupled with the cam assembly, the cover assembly including a handle for enabling a user to selectively engage the cover assembly with the cam assembly in an index position, the handle having a first tensioning position and a second tensioning position for translating the user selected tensioning force to the tension spring assembly through the cam assembly; and
 - an index indicator coupled with the cover assembly, the index indicator for indicating the index position for the cover assembly to enable the translation of the desired tensioning force,
 - wherein the index indicator enables the quick selection by the user of the amount of tensioning force to be applied.
2. (Previously Amended) The tensioning mechanism of claim 1, wherein the tensioning mechanism is incorporated in a band saw.
3. (Previously Amended) The tensioning mechanism of claim 1, wherein the tension spring assembly further comprises:
 - a tension spring for applying the tensioning force;
 - a fine adjustment assembly coupled with the tension spring, the fine adjustment assembly for enabling a fine adjustment of the tension spring; and
 - a plunger coupled with the fine adjustment assembly, the plunger for translating the force from the cam assembly to the tension spring.
4. (Previously Amended) The tensioning mechanism of claim 1, wherein the cam assembly further comprises:

a cam including a cam actuation member and a pin, the cam for coupling with the tension spring assembly; and

a cam actuator coupled with the cam actuation member,

wherein the cam assembly applies a force to the tension spring assembly.

5. (Original) The tensioning mechanism of claim 4, wherein the pin couples with the tension spring assembly.

11. (Original) The tensioning mechanism of claim 1, further comprising a securing assembly.

12. (Previously Amended) A band saw including a frame coupled with an upper band wheel which operationally engages a band saw blade, comprising:

a tension spring assembly operationally engaged with an upper arm of the frame, the tension spring assembly applying a tensioning force to the upper band wheel;

a cam assembly operationally engaging with the tension spring assembly, the cam assembly applying a force to the tension spring assembly; and

a cover assembly adjustably coupled with the cam assembly, the cover assembly including a handle for enabling a user to selectively engage the cover assembly with the cam assembly in an index position, the handle having a first tensioning position and a second tensioning position for translating the user selected tensioning force to the tension spring assembly through the cam assembly; and

an index indicator coupled with the cover assembly, the index indicator for indicating the index position for the cover assembly to enable the translation of the desired tensioning force,

wherein the index indicator enables the quick selection by the user of the amount of tensioning force to be applied to the band saw blade.

13. (Previously Amended) The band saw of claim 12, wherein the tension

spring assembly further comprises:

- a tension spring for applying the tensioning force;
- a fine adjustment assembly coupled with the tension spring, the fine adjustment assembly for enabling a fine adjustment of the tension spring; and
- a plunger coupled with the fine adjustment assembly, the plunger for translating the force from the cam assembly to the tension spring.

14. (Previously Amended) The band saw of claim 12, wherein the cam assembly further comprises:

- a cam including a cam actuation member and a pin, the cam for coupling with the tension spring assembly; and a cam actuator coupled with the cam actuation member, wherein the cam assembly applies a force to the tension spring assembly.

15. (Previously Amended) The band saw of claim 14, wherein the pin couples with the tension spring assembly.

16. (Previously Amended) The band saw of claim 14, wherein the pin is removable from the cam.

22. (Previously Amended) The band saw of claim 12, further comprising a securing assembly.

25. (Previously Amended) The band saw of claim 12, wherein the band saw further includes a standard blade tensioning device.

26. (Previously Amended) A band saw having a frame coupled with a lower band wheel, the lower band wheel operationally engaged by a motor, an upper band wheel, the upper band wheel vertically aligned with the lower band wheel and operationally engaging a band saw blade, and an upper arm including a sliding tension bracket, the sliding tension bracket coupled with the upper band

wheel, comprising:

- a recessed area defined within the sliding tension bracket;

- a tension spring assembly having a tension spring disposed within the recessed area, the tension spring for applying a tensioning force which is translated through the sliding tension bracket to the upper band wheel;

- a cam assembly operationally engaging with the tension spring assembly, the cam assembly applying a force to the tension spring; and

- a cover assembly adjustably coupled with the cam assembly, the cover assembly including a handle for enabling a user to selectively engage the cover assembly with the cam assembly in an index position, the handle having a first tensioning position and a second tensioning position for translating the user selected tensioning force to the tension spring assembly through the cam assembly; and

- an index indicator coupled with the cover assembly, the index indicator for indicating the index position for the cover assembly to enable the translation of the desired tensioning force,

- wherein the index indicator enables the quick selection by the user of the amount of tensioning force to be applied to the band saw blade based on the size of the band saw blade.

27. (Previously Amended) The band saw of claim 26, wherein the tension spring assembly further comprises:

- a fine adjustment assembly coupled with the tension spring, the fine adjustment assembly for enabling a fine adjustment of the tension spring; and a plunger coupled with the fine adjustment assembly, the plunger for translating the force from the cam assembly to the tension spring.

28. (Previously Amended) The band saw of claim 26, wherein the cam assembly further comprises:

- a cam including a cam actuation member and a pin, the cam for coupling with the tension spring assembly; and

a cam actuator coupled with the cam actuation member, wherein the cam assembly applies a force to the tension spring assembly.

29. (Original) The band saw of claim 28, wherein the pin couples with the tension spring assembly.

30. (Original) The band saw of claim 28, wherein the pin is removable from the cam.

36. (Original) The band saw of claim 26, further comprising a securing assembly.

39. (Original) The band saw of claim 26, further includes a standard blade tensioning device.